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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,541	05/29/2001	Tsunekazu Ishihara	3917-4	4238

27562   7590   05/03/2005

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EXAMINER
COBURN, CORBETT B

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/866,541	ISHIHARA ET AL.
		Examiner	**Art Unit**	
		Corbett B. Coburn	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _25 March 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,7-16 and 18-72_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _1,7-16,18-43,53-57,61 and 62_ is/are allowed.

6)☒ Claim(s) _44-52,58-60 and 63-72_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _29 May 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☒ All   b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claim, 44-48, 50, 58, 59 & 63-72 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Yokoyama et al. (US Patent Number 6,484,942) in view of Bronstein (US

Patent Number 4,386,773) & Eskildsen (US Patent Number 5,962,839).

Claims 44, 47, 48, 63, 65, 67: Yokoyama teaches a game system having a plurality of

cards. (Disks, 10a & 10b) The cards visually portray a figure (Fig 1a) and include

recorded data (Fig 1b) for use in a card game. (Abstract) There is a game information

storage medium (46, 47) storing a game program relating to game card figures. There is

a processing system (Fig 6) for receiving therein the game information storage medium.

The game machine executes an image display game program that is stored in the memory

section. (Col 7, 57-65) The cards store, for each character depicted, identification data

and characteristic data relating to a characteristic of an associated character and for

causing a change to a graphics image involving a displayed associated character

dependent on the progress of the image-displaying game. (Figs 8-14) The card contains

data concerning the strength of the character and any skills or defenses. The data is read

by the processor and used to determine success and failure of attempted attacks and

defenses. The display (Fig 5a-b) lights up in an appropriate manner depending on the

outcome. This changes the graphics image involving a displayed associated character

dependent on the progress of the image-displaying game. The game system has a game

piece reader (23a & b) for reading the identification and characteristic data from the card.

The processing system processes the supplied identification and characteristic data from

one or more game cards (a first and second card) in accordance with the game program

stored in a second game program memory section. (Figs 7a-14) It is necessary to read

the game cards in order to play the game.

The game information storage medium does not appear to be readily removable

from the processing system. Having a removable game information storage medium is

extremely well known to the art. This allows the game machine to be used for different

games. Bronstein teaches a removable game information storage medium (i.e., data

cartridge). It would have been obvious to one of ordinary skill in the art at the time of the

invention to have modified Yokoyama in view of Bronstein to include a removable game

information storage medium in order to allow the game machine to be used for different

games.

While the processing system may be said to process the characteristic data to

apply a change to the original content of the game program stored in the game

information storage medium – the processing system updates the variables based on the

information read from the cards -- Examiner believes that the claim is directed toward

changing program steps. This is not taught by Yokoyama.

Eskildsen teaches a game device that reads a barcode to change the steps taken by

the program. (Abstract) Each of the barcodes (corresponding to a single card) represents

a program instruction that is executed by the game machine. This allows the user to

interactively program the device, thus increasing the flexibility of the game. It would

have been obvious to one of ordinary skill in the art at the time of the invention to have

the processing system process the characteristic data to apply a change to the original

content of the game program stored in the game information storage medium in order to

allow the player to interactively program the device, thus increasing the flexibility of the

game.

Claim 50: Yokoyama teaches providing appropriate sound data via barcodes and

generating sounds based on this data. (Fig 25)

Claims 64, 66: Yokoyama teaches a card reader (23a & b) is an optical reader for

optically reading the identification and characteristic data corresponding to the character

visually depicted on the card. Yokoyama teaches a game card that records the

identification and characteristic data may be in the form of a two-dimensional array of

dots. (Fig 30)

Claims 68: Yokoyama teaches a groove (22 a & b) for receiving at least a portion of the

card and reading the card. Yokoyama does not, however, teach putting the groove and

card reader on a removable memory cartridge. Bronstein teaches a memory cartridge for

containing game program information. These are typically used in home video game

systems to store programs and provide specialized circuitry required for the game. Home

video games are extremely popular. It would have been obvious to one of ordinary skill

in the art at the time of the invention to have mounted the card reader on the removable

cartridge in order to implement Yokoyama's disclosure on a home video game system,

thus taking advantage of the tremendous popularity of these systems. As Bronstein

clearly illustrates (Figs 2 & 3), these cartridges contain a semiconductor memory for

storing programs and a case accommodating the memory.

Claim 45: Yokoyama and Eskildsen teach the invention substantially as claimed but do

not specifically teach a game cartridge including processing circuits. Game cartridges are

extremely well known in the art. Bronstein provides but one example. Game cartridges

are used to prevent software piracy. It would have been obvious to one of ordinary skill

in the art at the time of the invention to have used a game cartridge in order to prevent

software piracy.

Claim 46: Yokoyama, Fig 2a shows a hand-held device including a display (28a & b).

Claim 58, 59: Yokoyama teaches a game system having a plurality of cards. (Abstract)

The cards visually portray a figure and include recorded data for use in a card game.

There is a game information storage medium (46, 47) storing a game program relating to

game card figures. There is a processing system for removably receiving therein the

game information storage medium. (Fig 3) The game machine executes an image

display game program that is stored in one memory section. The cards store, for each

character depicted, identification data and characteristic data relating to a characteristic of

an associated character. (Figs 12-15) The game system has a game piece reader (23 a &

b) for reading the identification and characteristic data from the card. The processing

system processes the supplied identification and characteristic data from one or more

game cards in accordance with the game program stored in a second game program

memory section. (Figs 12-15) The processing system, when not supplied with the

identification data and characteristic data by the card reader (23 a & b) executes a process

on the basis of only the game program stored in memory – one-player mode. While the

processing system may be said to process the characteristic data to apply a change to the

original content of the game program stored in the game information storage medium –

the processing system updates the variables based on the information read from the cards

-- Examiner believes that the claim is directed toward changing program steps. This is

not taught by Yokoyama. Yokoyama teaches that the first storage section contains a

program that checks the card reader to see if data is available and writes the data to the

second memory area. (Figs 12-15)

Eskildsen teaches a game device that reads a barcode to change the steps taken by

the program. (Abstract) This allows the user to interactively program the device, thus

increasing the flexibility of the game. It would have been obvious to one of ordinary skill

in the art at the time of the invention to have the processing system process the

characteristic data to apply a change to the original content of the game program stored in

the game information storage medium in order to allow the player to interactively

program the device, thus increasing the flexibility of the game.

Yokoyama also fails to teach putting the game program in a removable storage

medium. Bronstein teaches a memory cartridge for containing game program

information. These are typically used in home video game systems to store programs and

provide specialized circuitry required for the game. Home video games are extremely

popular. It would have been obvious to one of ordinary skill in the art at the time of the

invention to have mounted the card reader on the removable cartridge in order to

implement Yokoyama's disclosure on a home video game system, thus taking advantage

of the tremendous popularity of these systems. As Bronstein clearly illustrates (Figs 2 &

3), these cartridges contain a semiconductor memory for storing programs and a case

accommodating the memory.

Claim 69, 72: Yokoyama teaches determining whether a sufficient number of cards have

been read to execute the game. (I.e., in one player or two player modes.) In order to

make this determination, the game must base the execution of the game on total amount

data. This data is derived from information read from the cards – i.e., the number and

type of cards read.

Claims 70, 71: Eskildsen teaches that the barcodes may be read in any order desired by

the player. Thus the order may be rearranged.

3.   Claims 49 & 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Yokoyama, Bronstein & Eskildsen as applied to claim 1, 16, 25, 28, 44 or 54 above, and further

in view of Garfield (US Patent Number 5,662,332).

Claim 49: Yokoyama, Bronstein and Eskildsen teach a game machine using cards to

play a game associated with a game program. Yokoyama teaches that the game cards are

pogs. Pogs are collecting cards, but Yokoyama does not explicitly teach a trading card

game with characters of differing rarity values. Garfield teaches a trading card game

including a figure of a character differing in rarity value. (Col 7, 56-58) Garfield teaches

having cards of differing rarity values increases the value of the game components (rare

cards) and encourages players to trade and collect game cards. (Col 7, 12-20) It would

have been obvious to one of ordinary skill in the art at the time of the invention to have

modified Yokoyama's card game by including trading cards of differing in rarity value as

suggested by Garfield in order to increase the value of the game components (rare cards)

and encourages players to trade and collect game cards.

Claim 60: Yokoyama teaches storing data on the card that affects the game but does not

teach storing additional data that includes a mini-game program that may be added to the

game based on the game program stored in the game information medium. Garfield

teaches storing additional data including mini-game data for playing a game based on the

game programs stored in the game information storage medium (i.e., duels between

wizards (Col 7, 43-45), monster attacks (Col 4, 21-26), etc.). These mini-games add

interest to the game. It would have been obvious to one of ordinary skill in the art at the

time of the invention to have included mini-game information for playing a game based

on the game programs stored in the game information storage medium in order to add

interest to the game.

Eskildsen teaches a game device that a player can reprogram using barcodes.

This is equivalent to adding a mini-game program to the game based on the game

program stored in the game information medium. Use of barcodes to enter program

information would automate the process of playing the mini-games described in Garfield.

It would have been obvious to one of ordinary skill in the art to stored additional data on

the card that includes a mini-game program that may be added to the game based on the

game program stored in the game information medium in order to automate the process

of playing the mini-games described in Garfield.

Allowable Subject Matter

4.   Claims 1, 7-16, 18-43, 53-57, 61 & 62 are allowed.

5.   The following is an examiner's statement of reasons for allowance:

a.   With regard to claims 1 & 7-12, a thorough search of the prior art fails to disclose

any reference or references, which, taken alone or in combination, teach or suggest, in

combination with the other limitations, each of said plurality of game cards recording for

an associated character depicted, at least identification data of the associated character

and characteristic data relating to a characteristic of the associated character and for

causing a change to a video image involving an animated and displayed associated

character dependent on the progress of said video game.

b.   ˙With regard to claims 13-15, a thorough search of the prior art fails to disclose

any reference or references, which, taken alone or in combination, teach or suggest, in

combination with the other limitations, at least one of said collection cards includes a

particular character other than a character stored in said video game information storage

medium and includes display data recorded thereon for animating and displaying a figure

of the particular character in an animated manner on the video image display device, an

identification code of the particular character and characteristic data of the particular

character.

c.   With regard to claims 16 & 18-24, a thorough search of the prior art fails to

disclose any reference or references, which, taken alone or in combination, teach or

suggest, in combination with the other limitations, characteristic data is disposed on said

card such that it can be read by said external information reading circuitry and used in a

video game played on said video game machine to cause a visual change to a video image

of an animated and displayed character dependent on progress of the execution of the

video game program.

d.   With regard to claims 25-27 & 57, a thorough search of the prior art fails to

disclose any reference or references, which, taken alone or in combination, teach or

suggest, in combination with the other limitations, each card visually portraying a figure

of a character and including data recorded thereon related to said character including

recorded data to enable animation and display of the character, said video game

information storage medium storing a video game program.

e.   With regard to claims 28-38, a thorough search of the prior art fails to disclose

any reference or references, which, taken alone or in combination, teach or suggest, in

combination with the other limitations, reading circuitry for reading information from

said game card, the read information enabling animation and display of the character

visually portrayed on the game card during play of the video game.

f.   With regard to claims 39-41, a thorough search of the prior art fails to disclose

any reference or references, which, taken alone or in combination, teach or suggest, in

combination with the other limitations, a data reader for reading data from at least one

card including data enabling animation and display of a character during play of a video

game provided by execution of the video game program.

g.   With regard to claims 42 & 43, a thorough search of the prior art fails to disclose

any reference or references, which, taken alone or in combination, teach or suggest, in

combination with the other limitations, a second game program memory section for

storing a second program for executing a game using said characteristic data to be added

to the first game program when supplied with the identification code and characteristic

data read from said data reader to animate and display the character during play of a

video game based on the read data.

h.   With regard to claims 51-56, a thorough search of the prior art fails to disclose

any reference or references, which, taken alone or in combination, teach or suggest, in

combination with the other limitations, reading circuitry for reading the two dimensional

array of dots from said game card to enable animation and display of the character in

video game play.

i.   With regard to claim 61, a thorough search of the prior art fails to disclose any

reference or references, which, taken alone or in combination, teach or suggest, in

combination with the other limitations, wherein said game card is machine-readably

recorded with image data for animating and displaying a figure of the character, and said

image data is read by said external information reading circuitry from the game card

thereby to animate and display the character's figure in a game by said game machine.

j.   With regard to claim 62, a thorough search of the prior art fails to disclose any

reference or references, which, taken alone or in combination, teach or suggest, in

combination with the other limitations, wherein said game card includes, in a machine-

readable manner, printed dots distributed within blocks each of which has a

predetermined area, and by printing the dots with different distributions, at least the

identification data and the character data are machine-readably recorded on said game

card to control or change animation and display of the character play of the video game.

6.   Any comments considered necessary by applicant must be submitted no later than the

payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

Response to Arguments

7.   Applicant's arguments filed 25 May 2004 have been fully considered but they are not

persuasive.

8.   Applicant argues that the prior art fails to teach a portion of the game machine program

being stored in the game information storage medium. Examiner disagrees. Eskildsen clearly

teaches a portion of the game machine program being stored in the game information storage

medium. As Applicant points out, Eskildsen's barcodes determines which order the game

instructions are executed in. Commands telling a machine which order to execute steps in are

program commands. A C program tells a computer to execute steps stored in memory (machine

code) in a particular order. The C program is not itself written in machine code. Eskildsen's

barcodes are analogous to the instructions in a C program.

Conclusion

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447.

The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jessica Harrison can be reached on (571) 272-4449. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cbc

JESSICA HARRISON
PRIMARY EXAMINER